

## **REMARKS**

After entry of the present amendments, claims 1, 2, 4-6, 9, 10, 12, 14, 17-19 will be pending. Claims 1, 2, 9, 12, and 18 have been amended to correct typographical errors and to even more particularly describe the recited inventions. Claim 19 has been added. No new matter has been added.

The Examiner has noted that the BIB Data sheet lacks the foreign priority document referenced in the oath. The foreign priority document, EP02076239.9, was properly referenced in the Preliminary Amendment, filed with the Application on October 1, 2004. The Applicants will request a corrected filing receipt to remedy this omission.

Claims 1, 2, 4-6, 9, 10, 12, 14, 17, and 18 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Specifically, the Examiner notes that the “thrust of the rejection . . . is the making of tetracyclic cores, i.e., where R1 and R2 form rings together.” Sept. 27, 2006 Office Action at 2. In light of the scope of the specification and the current amendments, the Applicants respectfully request reconsideration and withdrawal of the rejection.

The specification sets forth numerous schemes (*see, e.g.*, Specification pp. 18, 20, 21, 23, 24, and 26) and Examples (*see* Specification pp. 27-46) detailing how compounds of the present invention can be prepared. Notwithstanding the breadth of the specification, in an effort to advance the prosecution of the present application, the Applicants have deleted reference to compounds where “R<sup>1</sup> and R<sup>2</sup> may be taken together for form a bivalent radical R<sup>1</sup>R<sup>2</sup>.” The Applicants reserve the right to prosecute the deleted subject matter in a continuing application.

The Examiner further notes that claims 1, 2, 4-6, 9, 10, 12, 14, 17, and 18 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement because “the skilled artisan would not have sufficient information to predict what type of Het rings . . . would be suitable replacements for the small class of compounds made and tested.” Sept. 27, 2006 Office Action at 4. In light of the current amendments, the Applicants respectfully request withdrawal of this rejection. In an effort to advance prosecution, claims 1 and 18 have been amended to limit the number of Het substituents to those previously set forth in claim 2. Examples of such Het substituents are

exemplified in, for example, compounds 26-30, 56, 57, 67, and 69. *See* Table 1, pp 39-43. The Applicants reserve the right to prosecute the deleted subject matter in a continuing application.

Claim 14 stands rejected under 35 U.S.C. § 112, first paragraph because, while acknowledged to be enabling for treating anxiety and depression (Sept. 27, 2006 Office Action at 4), the specification allegedly does not reasonably provide enablement for treating “body weight disorders.” The Applicants respectfully disagree and request withdrawal of the rejection.

The article, *Investigational drugs for eating disorders*, has been cited in support of the rejection. Specifically, the Applicants’ attention was directed to the following quote from page 496: “At this point, it remains somewhat difficult to predict which one or several of these potential mechanisms will eventually yield effective treatments for eating disorders.” Notably, however, support for the Applicants’ claim that serotonin reuptake inhibitors and  $\alpha$ -2 adrenoreceptor antagonists, such as those of the present invention, are useful in treating body weight disorders, is found elsewhere in the article. For example, at page 494, right column, it is recognized that serotonin reuptake inhibitors are “*more effective than placebo* in reducing the frequency of binge eating and purging behaviours and in *leading to complete abstinence from binge eating and purging behaviours* at the end of a short course of treatment.” (emphasis added). Additionally, at page 496, right column, it is acknowledged that “most of the agents shown to be effective for [bulimia nervosa] are antidepressants; *thus, any medication with potential antidepressant effects could be considered as a potential treatment for eating disorders.*” (emphasis added). For at least these reasons, the Applicants respectfully request withdrawal of the rejection.

The Applicants respectfully submit that the foregoing represents a *bona fide* attempt to advance the present case to allowance. Applicants submit that this application is now in condition for allowance. Accordingly, an indication of allowability and an early Notice of Allowance are respectfully requested. If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at 215-564-8918.

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